

**NWIFCA Technical, Science and Byelaw
Sub-Committee**

11 December 2012: 2.00.p.m.

**AGENDA
ITEM NO.
6**

DEE ESTUARY FISHERIES MANAGEMENT: WEST KIRBY MUSSELS

Recommendations

1. The report be received
2. The TSB Committee to discuss the issues of management of fisheries of the Dee Estuary and to look at how to progress with cross-border management and enforcement.
3. To look at mussel fishery management as a priority within the Dee Estuary
4. To support the recommendation that officers liaise with key authorities within the Dee Estuary to discuss ideas for future management – Including byelaws, access, best practice approaches to fisheries, data and knowledge sharing and enforcement.
- 5 For a consultation for stakeholders to be held on management proposals for the West Kirby mussel bed

Summary

1. The purpose of this report is to provide a clear overview on the Dee Estuary and the wide variety of issues which need to be considered by the NWIFCA enabling appropriate management decisions and new byelaws to be made or amended where appropriate.
2. Due to the complex nature of the Dee Estuary from a legislative and administrative perspective, a wide variety of stakeholders are involved including government authorities, enforcement agencies and commercial and recreational users and should be consulted on any future management plans.
3. Following the creation of IFCA's and the amendments to boundaries, the Dee Estuary on the English side of the devolution line was incorporated into the North Western IFCA district in 2011. All fisheries conducted on the Wirral side of the Dee Estuary became the responsibility for NWIFCA – barring migratory fish. The Environment Agency Wales remained the managers of the Dee Fishery Cackle Order 2008. The Order includes the cockle beds on the NWIFCA side of the estuary as well as those on the Welsh side. The NWIFCA has no powers in relation to the cockles within the Dee Estuary Order area.
4. Due to the change in administrative boundaries there is confusion over which byelaws are currently enforced by NWIFCA and those which remain enforced by Environment Agency Wales on the Welsh side of the estuary. This is the same for all fisheries within the estuary, not just cockle and mussels. Legal clarification of which byelaws still stand and are legal should be sought.
5. Due to the interest last year for seed mussel on a mussel bed known as West Kirby the matter of byelaws and management of this fishery has been on going. Following the opening of the bed in January 2012 a permit scheme was devised to allow for those who met the criteria the ability to gather undersize mussel. Access to the fishery was by boat only and several issues and concerns were raised by stakeholders.

6. During the consultation for this fishery and the NWIFCA Byelaw 3, several fishermen local to the area and who had historically fished the bed, were concerned over the alteration of the minimum landing size of mussel. They remain opposed to the lowered size of 45mm as they have had regular orders for many years for the larger mussels under the MLS of 57mm (2 ¾ Inch).
7. Further issues raised surrounding access points to the estuary on both sides need to be considered. Currently at sites used by local fishermen, concerns over damage to slipways and maintenance of private roads has been raised, especially if there was to be a significantly greater number of people accessing bed from either of the two main slips. Use of quad bikes and other mechanised vehicles within the estuary is also a area of concern from Environment Agency Wales, who currently still enforce a non-motorised vehicle byelaw within the estuary and have a clause written in the fishery order.
8. Any future byelaw review which will incorporate the area of Dee Estuary should be done so in full consultation with other enforcement agencies. This is to allow consistent management approach across the area which will enable easier compliance by stakeholders and enhance enforcement.

Dee Estuary

9. Figure 1 provides an overview of the Dee Estuary for reference, with the approximate positions of cockle and mussel beds currently known within the estuary. It also depicts the boundary lines of the North Western IFCA and the Dee Cockle Order. This is further clarified in Figure 2 below.

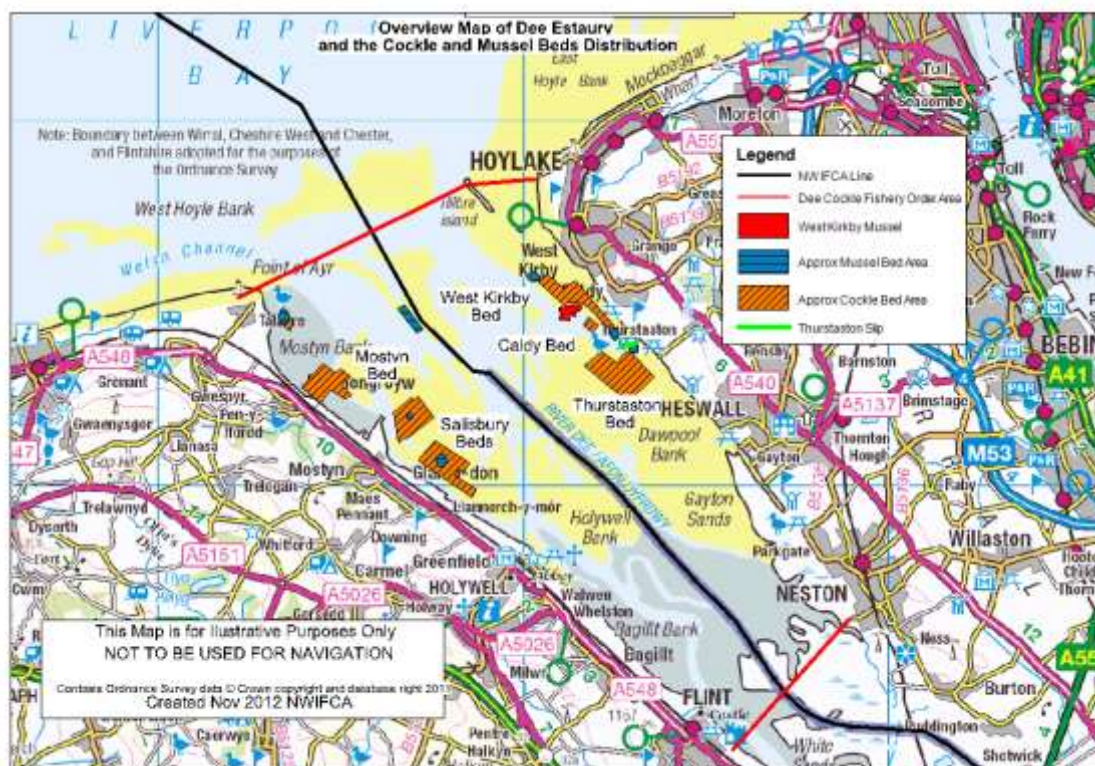


Figure 1 Overview Map of Dee Estuary depicting location of cockle and mussel beds within it. Boundary lines for the Dee Cockle Fishery Order 2008 are shown as 2 red lines and is the area between the two.

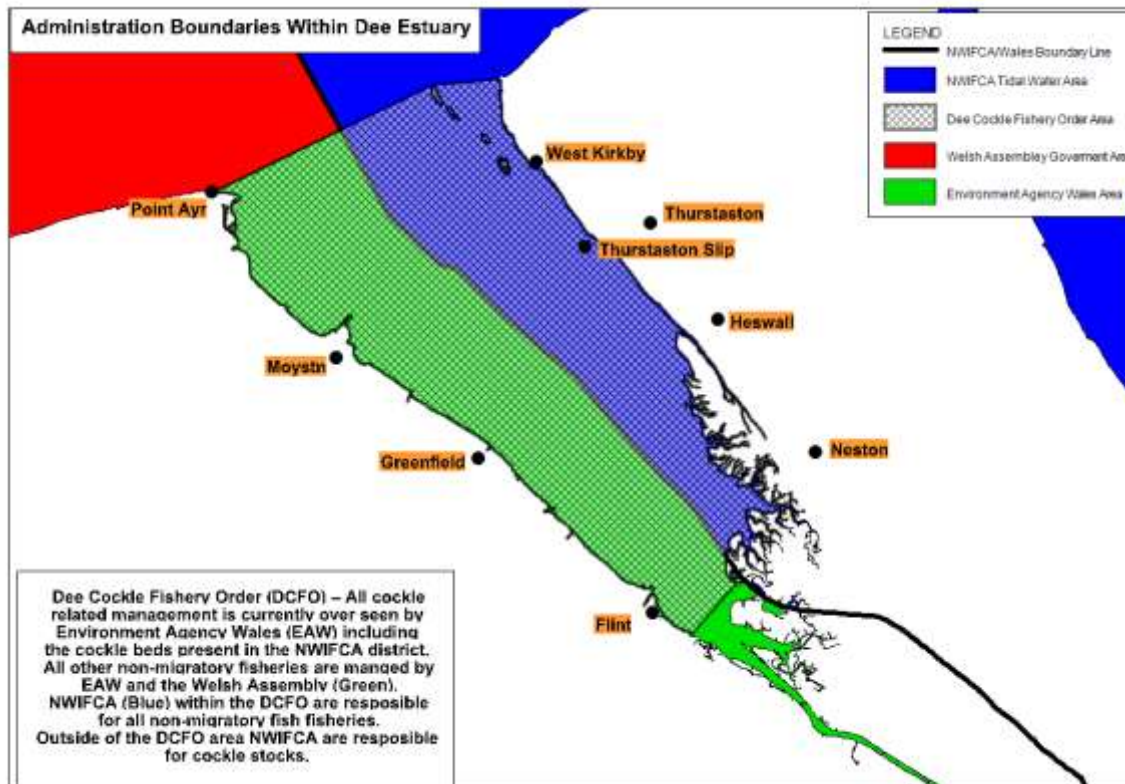


Figure 2 Main Regulatory Authorities within the Dee Estuary and Dee Cockle Fishery Order Area.

Legislation and Byelaws

10. Currently within the Dee Estuary there is confusion over which byelaws which were originally enforced by the Environment Agency prior to 2011 and the change in legislation for the establishment of IFCA's.
11. Byelaws referred to as the 'Byelaws promoted by the Dee Conservators' which were certified in 1895 and a suite of byelaws referred to as 'Dee Shellfish Byelaws' which were made by the National Rivers Authority Welsh Region and confirmed in 1995, subsequently transferred to Environment Agency are in question.
12. During the Devolution of Wales in 2010 byelaws under the Environment Agency relating to fisheries were transferred to The Welsh Assembly Government where they relate to Wales. These are clearly stated in a schedule within the legislation for this change.
13. The legislation for North West SFC transition to North Western IFCA boundaries were readjusted and incorporated the Dee Estuary and as such byelaws from the Environment Agency made and in force prior to April 2010 were transferred to the IFCA. There is no clear clarification of which of these byelaws were transferred and this has led to the confusion.
14. Currently NWIFCA Byelaw 3 now extends into the Dee Estuary which has removed the previous byelaws for Minimum Landing Size (MLS), Closed Season for mussels and method of fishing.

15. Byelaws currently not believed to be enforceable or believed not to have been transferred to NWIFCA should be looked at to identify if there is a need for them and action should be taken to implement previous restrictions if still required.

Cockle Order

16. The Dee Estuary Cockle Fishery Order was approved and came into force on the 1st July 2008, granted to The Environment Agency. The Order gave the EA the right to regulate the cockles within the fishery within the defined area, for 20 years. The EA are responsible for the management and enforcement of any activity in relation to cockles.
17. The Dee Fishery Cockle Order allows 50 licence holders which are paid for annually to fish the beds if deemed fishable from July until TAC is met or the closed season comes into force (1st January -30th June). They undertake biannual stock surveys on all known cockle beds which are incorporated into a model to set TAC.
18. There are implications for both Environment Agency Wales and NWIFCA if joined up working for fisheries management is not undertaken. EAW undertake assessment of other additional food resources for designated interest features during their assessment of TAC for the cockle order. There are also issues surrounding the removal of seed mussel from cockle bed areas to promote reestablishment of cockle within that area, as they may wish to undertake this on NWIFCA side of the estuary. A trial of this was undertaken last year using a mussel dredger on an area of Salisbury bank.

Management Changes in Wales

19. Welsh Government is currently proceeding with creating a single body which will pull together the functions of Environment Agency Wales, Countryside Council for Wales and Forestry Commission Wales entitled Natural Resources Wales. The new body would be in place by 1st April 2013.
20. The Welsh Government is also currently reviewing the management of cockle fisheries in Wales. A consultation was undertaken in early autumn this year to seek stakeholders' views on the proposed new management scheme. An

Conservation Designations

21. There are several conservation designations in place on the Dee Estuary protecting both habitats and species. The SPA (Protection for Birds) and SAC (Habitats and Species) designations cross the devolved boundary, and in the case of the SAC incorporate areas on North Wirral and Flintshire Coast. Figure 3 shows the extent of each designation.

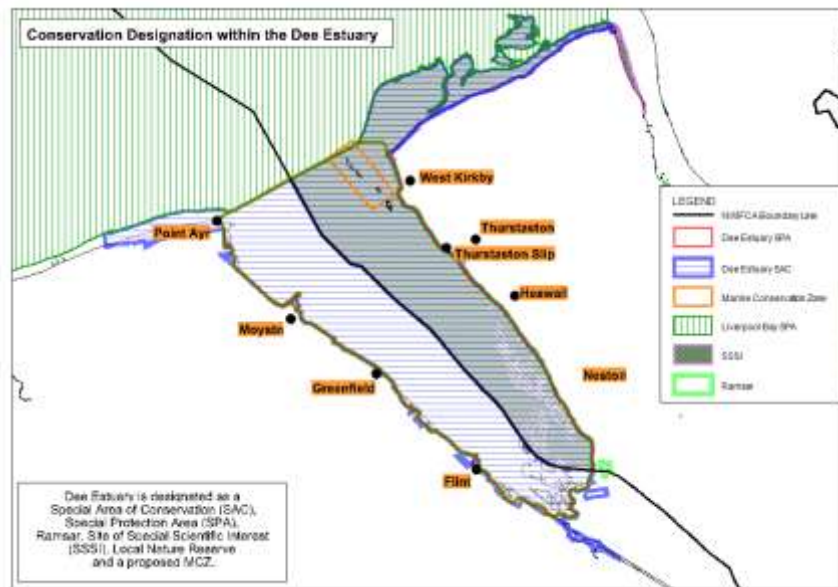


Figure 3 Conservation Designations of the Dee Estuary

22. Information regarding the individual designated sites and what they are protecting can be requested from the office. Key species/features are large numbers of overwintering birds utilising the area for feeding and roosting. Habitats associated with estuaries are protected under the SAC including salt marsh

Shipping and Harbour Information

23. The Environment Agency is also the Conservancy, Harbour and Lighthouse Authority within the Dee Estuary, known as the Dee Conservancy. They issued a Marine Safety requirement for Shellfish Harvesting Licence Holders operating in the Dee Estuary during the seed mussel harvesting earlier in 2012. These requirements are also expected of the Dee Cockle Licence Holders. Moystn Docks Ltd. also act, as well as the Environment Agency Wales as the pilotage and harbour authority for the Port of Moystn and monitor and manage navigation and shipping within the Dee Estuary.

Access to the Dee Estuary

24. There are several access points which are currently used by fishermen and enforcement agencies to gain access to the mussel and cockle beds. Figure 4 shows the two main access routes onto the shore for mussel and cockle beds on the Wirral side of the estuary.



*Figure 4 Maps showing two main access points known on the Wirral coast
for access to Fisheries in the Dee Estuary*

25. Access from north Wirral foreshore is possible by quad or 4x4, as well as small boats coming across from Greenfields slip on the Flintshire side. Discussion previous in the year with local stakeholders at Dee Sailing Club were not favourable for large numbers of fishermen using the car park at the top of Thurstaston Slip, this was especially so when large volumes of mussels were being left in the area for several days. Concerns were also raised about awareness of other users of the car park such as walkers, dog walkers and tourists to the Wirral Country Park.

Shellfish Hygiene Classification

26. Shellfish hygiene sampling is conducted routinely by Wirral Borough Council to monitor both cockle and mussel beds on Wirral side of the Dee estuary. CEFAS produce zoned maps to identify the classification of area of shellfish species.

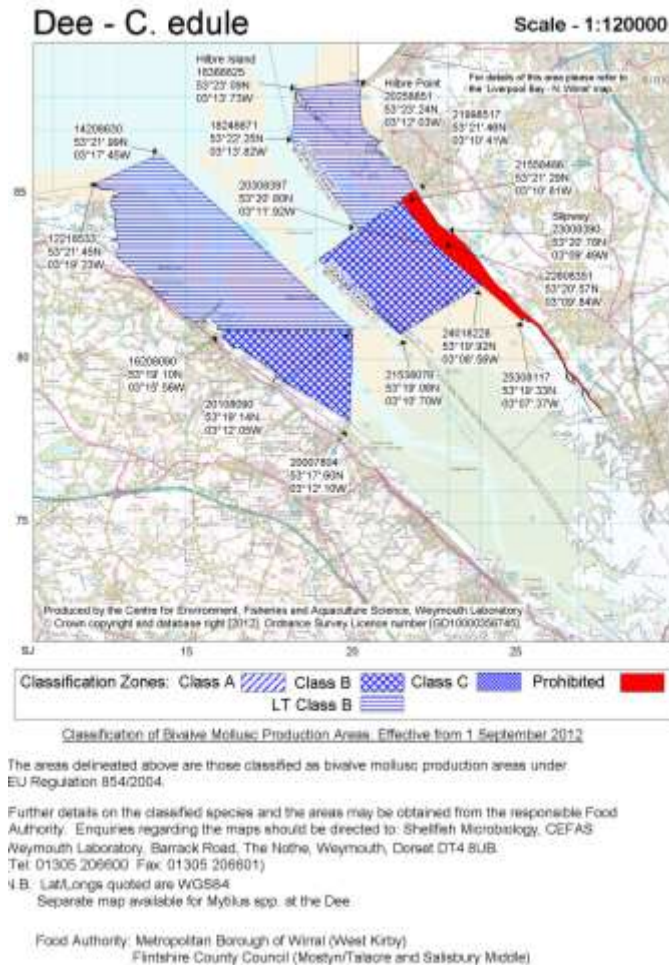


Figure 5 Classification Map of Cockle Beds within Dee Estuary produced by CEFAS

27. Within the Dee Estuary there is an expanse of prohibitive fishing area under the shellfish hygiene legislation (Area in red on both fig. 5 and 6). This covers areas of mussel and cockles beds mainly to the south of Thurstaston Slip. This restricts what fisheries resource is available to fishermen but has been used in Appropriate Assessment mitigation as a resource which is routinely available to birds and other species.

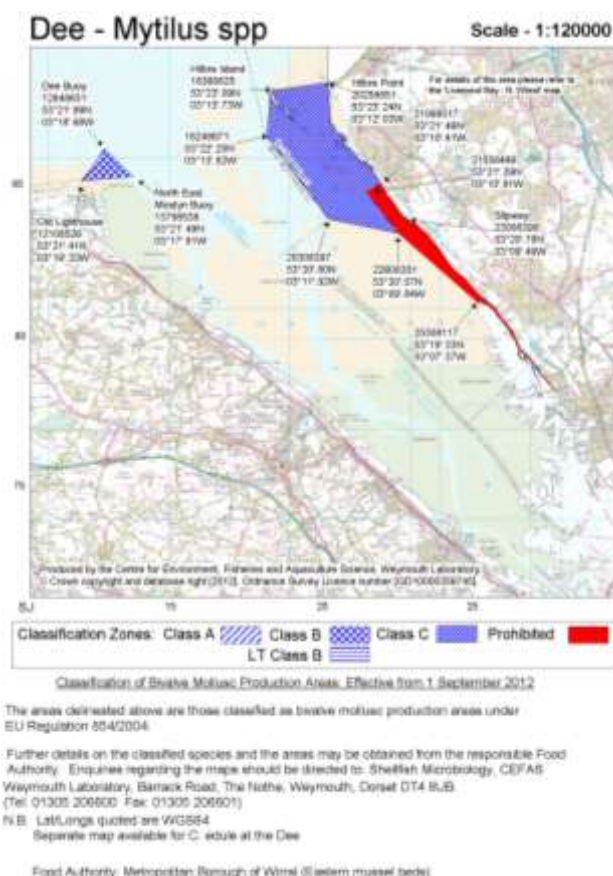


Figure 6 Classification Map of Mussels Beds within Dee Estuary produced by CEFAS

West Kirby Mussels

28. In November 2010 NWIFCA were approached by an operator to look at the ability to remove seed mussel from the mussel bed which is known as West Kirby. A previous TSB paper entitled Dee Mussel Fishery Agenda Item 9 provides comments and notes on conversations with the Environment Agency Wales as well as other stakeholders regarding the mussel fishery and the Dee Estuary.
29. The bed has been identified as an ephemeral bed and it had settled on dead cockle shell. West Kirby Sailing Club described it as the largest settlement they had seen as it now encroaches on to the moorings. There are concerns over people accessing their vessels due to the mussel mud which has built up.
30. Clarification of the access rights to the slip at Thurstaston are being investigated and a request has been made to the Local Authority to substantiate the claims of the road being private and the slipway owned by the sailing club. Problems with wear and tear to the slipway and whose responsibility is it to maintain this need to be resolved.
31. Environment Agency Wales have raised concerns over the management and access to the West Kirby mussel bed (Figure 1). These concerns included:
 - Damage to cockle beds by quad bikes and fishing activity on the mussel areas in the vicinity of cockle beds.

- Enforcement issues over prevention of removal of cockles from the Dee Estuary illegally – how will it be monitored
 - Beaching of vessel should be on areas where minimal spat/cockle to help prevent damage
32. Issues were raised due to logistical enforcement problems of vessel landing mussels at Greenfield slip rather than West Kirby. NWIFCA enforcement officers required a large amount of time to get to the slip due to the roads and traffic. Clarification on the use of Greenfield site as a launch site or toning up area needs to be discussed with Flintshire County Council.
33. Several local fishermen to the area have raised concerns of the change in MLS of mussels and the effect of the size reduction will have on the ability to find larger mussels suitable for their orders. Officers and CEO have had discussion with a local MP and the fishermen regarding this matter.

Helen Ake
Scientific and Enforcement Officer
29 November 2012